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FENWICK & WEST LLP

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TEL 415.875.2300 | FAX 415.281.1350 | WWW.FENWICK.COM

FACSIMILE TRANSMISSION**CONFIDENTIAL**

DATE: September 16, 2005

CLIENT-MATTER NUMBER: 22930-06082

To:

NAME:	FAX NO.:	PHONE NO.:
Examiner Robert Pond Group Art Unit 3625 Commissioner for Patents	571-273-8300	571-272-6760

FROM: Colleen Chien

PHONE: (415) 875-2319

RE: Supplemental IDS

NUMBER OF PAGES WITH COVER PAGE: 7

MESSAGE:**Information Disclosure Statement**

Applicants: Richard V. Halbert *et al.*
App. No.: 09/677,095
Filing Date: September 29, 2000
Title: DYNAMIC MARKET EQUILIBRIUM MANGEMENT SYSTEM
Atty. Dkt. No. 22930-06082

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR ITS DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF THEY ARE NOT CLEAR,
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22930/06082/SF/5151311.1

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FROM: Colleen Chien

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Re: Supplemental IDS

NUMBER OF PAGES WITH COVER PAGE: 7

MESSAGE:

Information Disclosure Statement		RECEIVED OIPE/IAP SEP 20 2005
Applicants:	Richard V. Halbert <i>et al.</i>	
App. No.:	09/677,095	
Filing Date:	September 29, 2000	
Title:	DYNAMIC MARKET EQUILIBRIUM MANGEMENT SYSTEM	
Atty. Dkt. No. 22930-06082		

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22930/06082/SF/5151311.1

SEP 16 2005

FEE TRANSMITTAL
for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$) 180.00
--------------------------------	--------------------

Complete if Known

Application Number	09/677,095
Filing Date	September 29, 2000
First Named Inventor	Richard V. Halbert, et al.
Examiner Name	Robert Pond
Art Unit	3625
Attorney Docket No.	22930-06082

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name	Fenwick & West LLP
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The Commissioner is authorized to: (check all that apply)

☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity
<p>1. Revenue Recognition</p> <p>Large entities use the percentage of completion method for long-term contracts, recognizing revenue as work progresses. Small entities often use the cost of sales method, recognizing revenue only when the contract is completed.</p>	<p>1. Revenue Recognition</p> <p>Small entities often use the cost of sales method for long-term contracts, recognizing revenue only when the contract is completed.</p>
<p>2. Inventory Valuation</p> <p>Large entities use the FIFO (First In, First Out) method for inventory valuation. Small entities often use the LIFO (Last In, First Out) method.</p>	<p>2. Inventory Valuation</p> <p>Small entities often use the LIFO (Last In, First Out) method for inventory valuation.</p>
<p>3. Depreciation</p> <p>Large entities use the MACRS (Modified Accelerated Cost Recovery System) for depreciation. Small entities often use the straight-line method.</p>	<p>3. Depreciation</p> <p>Small entities often use the straight-line method for depreciation.</p>
<p>4. Bad Debt Expense</p> <p>Large entities use the allowance method for bad debt expense. Small entities often use the direct write-off method.</p>	<p>4. Bad Debt Expense</p> <p>Small entities often use the direct write-off method for bad debt expense.</p>
<p>5. Lease Accounting</p> <p>Large entities use the ASC 842 (Leases) standard for lease accounting. Small entities often use the ASC 840 (Leases) standard.</p>	<p>5. Lease Accounting</p> <p>Small entities often use the ASC 840 (Leases) standard for lease accounting.</p>
<p>6. Financial Statement Presentation</p> <p>Large entities use the IFRS (International Financial Reporting Standards) for financial statement presentation. Small entities often use the GAAP (Generally Accepted Accounting Principles) standard.</p>	<p>6. Financial Statement Presentation</p> <p>Small entities often use the GAAP (Generally Accepted Accounting Principles) standard for financial statement presentation.</p>

Fee	For	Fee	Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		

SUBTOTAL (1)	(\$)
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below		Fee Paid
Total Claims	20000	X		=	
Independent Claims	3000	X		=	
Multiple Dependent				=	

	Large Entity	Small Entity
1. Revenue Recognition	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.
2. Expense Recognition	Expenses are recognized when the related asset is consumed or the liability is incurred.	Expenses are recognized when the related asset is consumed or the liability is incurred.
3. Asset Recognition	Assets are recognized when the company has control over the resource and the resource is expected to generate future economic benefits.	Assets are recognized when the company has control over the resource and the resource is expected to generate future economic benefits.
4. Liability Recognition	Liabilities are recognized when the company has a present obligation to transfer economic resources in the future.	Liabilities are recognized when the company has a present obligation to transfer economic resources in the future.
5. Equity Recognition	Equity is recognized as the residual interest in the assets of the company after deducting liabilities.	Equity is recognized as the residual interest in the assets of the company after deducting liabilities.

Fee	Fee	Fee	Fee
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Code	(\$)	Code	(\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	**Reissue independent claims over original patent
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)	(\$)
---------------------	-------------

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity
<p>1. Revenue Recognition</p> <p>Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.</p>	<p>1. Revenue Recognition</p> <p>Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.</p>
<p>2. Expense Recognition</p> <p>Expenses are recognized when the related asset is consumed or the liability is incurred.</p>	<p>2. Expense Recognition</p> <p>Expenses are recognized when the related asset is consumed or the liability is incurred.</p>
<p>3. Asset Recognition</p> <p>An asset is recognized when it is probable that the entity will receive future economic benefits and the cost can be measured reliably.</p>	<p>3. Asset Recognition</p> <p>An asset is recognized when it is probable that the entity will receive future economic benefits and the cost can be measured reliably.</p>
<p>4. Liability Recognition</p> <p>A liability is recognized when it is probable that the entity will incur a future outflow of economic benefits and the amount can be measured reliably.</p>	<p>4. Liability Recognition</p> <p>A liability is recognized when it is probable that the entity will incur a future outflow of economic benefits and the amount can be measured reliably.</p>

Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920
1805	1,840*	1805	1,840
1251	120	2251	60
1252	450	2252	225
1253	1020	2253	510
1254	1,590	2254	795
1255	2,160	2255	1,080
1401	500	2401	250
1402	500	2402	250
1403	1000	2403	500
1451	1,510	1451	1,510
1452	500	2452	250
1453	1,500	2453	750
1501	1,400	2501	700
1502	800	2502	400
1503	1100	2503	550
1460	—	1460	—
1807	50	1807	50
1808	180	1808	180
8021	40	8021	40
1809	790	2809	395
1810	790	2810	395
1801	790	2801	395
1802	900	1802	900

Other fee (specify)

Fee Description

Fee Paid

- Surcharge - late filing fee or oath or declaration
- Surcharge - late provisional filing fee or cover sheet
- Non-English specification
- For filing a request for *ex parte* reexamination
- Requesting publication of SIR prior to Examiner action
- Requesting publication of SIR after Examiner action
- Extension for reply within first month
- Extension for reply within second month
- Extension for reply within third month
- Extension for reply within fourth month
- Extension for reply within fifth month
- Notice of Appeal
- Filing a brief in support of an appeal
- Request for oral hearing
- Petition to institute a public use proceeding
- Petition to revive - unavoidable
- Petition to revive - unintentional
- Utility issue fee (or no issue)
- Design issue fee
- Plant issue fee
- Petitions to the Director
- Processing fee for Provisional Applications
- Submission of Information Disclosure Stmt
- Recording each patent assignment per property (times number of properties)
- Filing a submission after final rejection (37 CFR 1.129(a))
- For each additional invention to be examined (37 CFR 1.129(b))
- Request for Continued Examination (RCE)
- Request for expedited examination of a design application

SUBTOTAL (3)	(\$) 180.00
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SUBMITTED BY

Name (Print/Type)	Colleen V. Chien
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Registration No. (Attorney/Agent)	55,062
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Complete (if applicable)

Telephone 415-875-2319

Signature

C Chem

Date	
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September 16, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: RICHARD HALBERT, ET AL.
APPLICATION NO.: 09/677,095
FILING DATE: September 29, 2000
TITLE: Dynamic Market Equilibrium Management System, Process And
Article Of Manufacture
EXAMINER: Robert Pond
GROUP ART UNIT: 3625
ATTY. DKT. NO.: 22930-06082

RECEIVED
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SEP 16 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at 1-571-273-8300.

Dated: September 16, 2005

By:

Colleen V. Chien, Reg. No.: 55,062

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

09/20/2005 MAILED1 00000115 192555 09577095

01-FC:1806 180.00 DA

22930/06082/SF/5151310.1

09677095
00000116 192555
09/20/2005 MAILED1
01 FC:1806
180.00 DA

PATENT

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
- ☒ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and,

PATENT

to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND


- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(d); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. _____, filed on _____, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☐ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

PATENT

Respectfully submitted,
RICHARD HALBERT, ET. AL.

Dated: September 16, 2005

By: 
Colleen V. Chien, Reg. No.: 55,062
Fenwick & West LLP
Embarcadero Center West
275 Battery Street
San Francisco, CA 94111
Tel.: (415) 875-2319
Fax.: (415) 281-1350

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application No.	09/677,095
Filing Date	September 29, 2000
First Named Inventor	Richard V. Halbert, et al.
An Unit	3625
Examiner Name	Robert Pond
Attorney Docket Number	22930-06082

Sheet	1	of	1
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-096049774	04-2000	Roy
		US-5,377,095	12-1994	Maeda et al.
		US-5,873,069	02-1999	Reuhl et al.
		US-5,999,914	12-1999	Blinn et al.
		US-6,085,169	07-2000	Walker et al.
		US-6,101,484	08-2000	Halbert et al.
		US-6,141,653	10-2000	Conklin et al.
		US-6,141,666	10-2000	Tobin
		US-6,260,024	07-2001	Shkedy, Gary
		US-6,324,522 B2	11-2001	Peterson, et al.
		US-6,418,415	07-2002	Walker et al.
		US-6,473,740	10-2002	Cockrill et al.
		US-6,516,302	02-2003	Deaton et al.
		US-6,631,356	10-2003	Van Horn et al.

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶

OTHER REFERENCES - NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

22930/06082/SF/5151308.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED
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APPLICANT: RICHARD, HALBERT, ET AL.

SEP 16 2005

APPLICATION NO.: 09/677,095

FILING DATE: September 29, 2000

TITLE: Dynamic Market Equilibrium Management System, Process And
Article Of Manufacture

EXAMINER: Robert Pond

GROUP ART UNIT: 3625

ATTY. DKT. NO.: 22930-06082

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22930/06082/SF/5151310.1

PATENT

- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
- ☒ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
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PATENT

to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND


- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(d); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. _____, filed on _____, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- ☐ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

PATENT

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
RICHARD HALBERT, ET. AL.

Dated: September 16, 2005

By: 
Colleen V. Chien, Reg. No.: 55,062
Fenwick & West LLP
Embarcadero Center West
275 Battery Street
San Francisco, CA 94111
Tel.: (415) 875-2319
Fax.: (415) 281-1350

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application No.	09/677,095
				Filing Date	September 29, 2000
				First Named Inventor	Richard V. Halbert, et al.
				Art Unit	3625
				Examiner Name	Robert Pond
Sheet	1	of	1	Attorney Docket Number	22930-06082

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-098049774	04-2000	Roy
		US-5,377,095	12-1994	Maeda et al.
		US-5,873,089	02-1999	Reuhl et al.
		US-5,999,914	12-1999	Blinn et al.
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